

## **IC 8-1-22.5**

### **Chapter 22.5. Gas Pipeline Safety**

#### **IC 8-1-22.5-1**

##### **Definitions**

Sec. 1. As used in this chapter, unless otherwise provided:

(a) The term "gas" means natural gas, flammable gas, or gas which is toxic or corrosive.

(b) The term "transportation of gas" means the gathering, transmission or distribution of gas by pipeline or the storage of gas; except that it shall not include the gathering of gas in those rural locations which lie outside the limits of any incorporated or unincorporated city, town, village or any other designated residential or commercial area such as a subdivision, a business or shopping center, a community development or any similar populated area which the commission may define as a nonrural area.

(c) The term "pipeline" means all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenances attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies, but excluding motor vehicles of all kinds and pipelines serving not less than ten (10) customers with petroleum gas from a common source.

(d) The term "pipeline facilities" means and includes, without limitation, new and existing pipelines, rights-of-way and any equipment, facility or building used in the transportation of gas or in the treatment of gas during the course of transportation, but excluding motor vehicles of all kinds and pipelines serving not less than ten (10) customers with petroleum gas from a common source.

(e) The term "person" means any individual, firm, joint venture, partnership, corporation, limited liability company, association, municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

(f) The term "municipality" means a city, county, or any political subdivision of the state.

(h) The term "division" means the pipeline safety division to be established under this chapter.

(i) The term "maximum allowable operating pressure" means the maximum pressure at which a pipeline or a segment of a pipeline may be operated.

*(Formerly: Acts 1971, P.L.84, SEC.1.) As amended by P.L.23-1988, SEC.58; P.L.8-1993, SEC.128.*

#### **IC 8-1-22.5-2**

##### **Pipeline safety division, public service commission; establishment**

Sec. 2. There is hereby established within the Commission a Pipeline Safety Division. The Division shall be charged with the regulation of the transportation of gas and of related pipeline facilities and the operations thereof, in order to promote the public

safety.

*(Formerly: Acts 1971, P.L.84, SEC.1.)*

### **IC 8-1-22.5-3**

#### **Directors; personnel**

Sec. 3. The Division shall be administered by a Director who shall be employed by, and shall be responsible to, the Commission and, who shall meet the job and personnel requirements of the State Department of Administration. The Director shall, with the approval of the Commission, employ a staff of competent full-time employees with professional and technical qualifications and ability. The Director, with approval of the Commission, may engage the services of qualified consultants as he deems appropriate.

*(Formerly: Acts 1971, P.L.84, SEC.1.)*

### **IC 8-1-22.5-4**

#### **Powers and duties**

Sec. 4. The division, acting through the commission, shall:

(a) Administer and require compliance with federal safety standards applicable to the transportation of natural and other gas and for pipeline facilities used in this transportation established and in effect, from time to time, pursuant to the Natural Gas Pipeline Safety Act of 1968 (Public Law 90-481, 49 U.S.C. 1671 et seq.) as the same may be amended (referred to in this chapter as the "Federal Pipeline Safety Act"), and otherwise administer this chapter in such manner as may be required in order to maintain and continue in effect certification of the commission under Section 5 of the Federal Pipeline Safety Act.

(b) As soon as practicable after March 30, 1971, establish, by rules and regulations of the commission, minimum state safety standards for the transportation of gas and related pipeline facilities. Such standards shall not be less stringent than the federal safety standards, as established under the Federal Pipeline Safety Act, and shall apply to the design, installation, inspection (including the taking possession of pipe and pipeline components), testing, construction, extension, operation, replacement, and maintenance of such pipeline facilities. Such new standards affecting the design, installation, construction, initial inspection, and initial testing shall not be applicable to pipeline facilities in existence prior to the date such standards are established. In establishing such standards, the following shall be considered:

- (1) relevant available pipeline safety data;
- (2) whether such standards are appropriate for the particular type of pipeline transportation;
- (3) the reasonableness of any proposed standards;
- (4) the extent to which such standards will contribute to public safety; and
- (5) federal safety standards established under the Federal

#### Pipeline Safety Act.

Any person engaged in the transportation of gas or who owns, operates, or leases pipeline facilities shall certify annually to the division that it has complied with federal safety standards, in force and effect from time to time, applicable to the determination of change in class location and of confirmation or revision of maximum allowable operating pressure.

(c) Whenever a particular pipeline facility is found to be hazardous to human life or property, require, through the issuance of a hazardous condition order, the person who owns, operates, or leases such pipeline facility to take such action necessary to remove such hazards. Except in cases where immediate or extreme emergency is found to exist, such order shall not be issued until such person is afforded an opportunity to present his views and any facts bearing on the situation. In any event, unless such order is issued after notice and hearing, the person to whom such order is directed shall be entitled to prompt notice and hearing on the question as to whether such order shall be continued in effect.

(d) Review and summarize annually all incidents reported within the state involving accidents resulting in personal injury requiring hospitalization, death, or property damage in excess of three thousand dollars (\$3,000), when the same is accompanied by an explosion, misapplication, and/or escapement of gas. Copies of this summary shall be available for distribution to all interested persons, for the purpose of promoting pipeline safety.

(e) Keep itself informed as to research and development regarding pipeline safety, including the feasibility of pipeline safety equipment.

*(Formerly: Acts 1971, P.L.84, SEC.1.) As amended by P.L.59-1984, SEC.88.*

#### **IC 8-1-22.5-5**

##### **Waiver of standards**

Sec. 5. Upon application by any person engaged in the transportation of gas or who owns, operates or leases pipeline facilities, the Commission may, after notice and opportunity for public hearing, and under such terms and conditions and to such extent as the Commission deems appropriate, issue an order waiving in whole or in part compliance with any standard or standards established under this chapter, if the commission determines that such waiver of compliance with such standard or standards is not inconsistent with gas pipeline safety. The Commission shall state in such order its reasons for any such waiver and shall otherwise comply with the provisions of the Federal Pipeline Safety Act with regard to such waiver.

*(Formerly: Acts 1971, P.L.84, SEC.1.)*

#### **IC 8-1-22.5-6**

**Inspection of facilities; plans for inspection and maintenance; records; entry upon property**

Sec. 6. Any person engaged in the transportation of gas or who owns, operates, or leases pipeline facilities shall:

- (a) Comply with this chapter and all safety standards established pursuant to this chapter from and after March 30, 1971.
- (b) Inspect such pipeline facilities and report the findings to the division as prescribed by standards established pursuant to this chapter.
- (c) File with the division a plan for inspection and maintenance of such pipeline facilities owned, operated, or leased by such person, and any change in such plan, as prescribed by standards established pursuant to this chapter. Such plan shall be subject to approval by the division, and if at any time such plan is determined by the division to be inadequate to achieve safe operation, upon recommendation by the director, the commission shall, after notice and opportunity for public hearing, order the plan revised. Any plan required under this chapter shall be practicable and designed to meet the need for pipeline safety.
- (d) Establish and maintain such records, make such reports, and provide such information as the division, acting through the commission, may reasonably require to enable it to determine whether such person has acted or is acting in compliance with this chapter and the standards established under this chapter.

Each person upon request of an authorized representative of the division shall permit such representative access and entry for the purpose of inspection of such pipeline facilities, and inspection of books, papers, records, and documents (including the right to copy the same) as is reasonably necessary in order to determine whether such person has acted or is acting in compliance with this chapter and the standards established pursuant to this chapter.

*(Formerly: Acts 1971, P.L.84, SEC.1.) As amended by P.L.59-1984, SEC.89.*

**IC 8-1-22.5-7**

**Civil penalties, hearings, and assessments**

Sec. 7. (a) A person who is engaged in the transportation of gas or owns, operates or leases pipeline facilities who violates any provision of this chapter or any regulations issued pursuant to this chapter, is subject to a civil penalty not to exceed ten thousand dollars (\$10,000) for each violation for each day that the violation persists. However, the maximum civil penalty may not exceed five hundred thousand dollars (\$500,000) for any related series of violations.

(b) The commission may, after notice and opportunity for public hearing, impose a civil penalty not to exceed the amount specified in subsection (a) against a person who violates this chapter or any rules issued pursuant to this chapter, and may compromise and collect the

penalties which are payable to the state as otherwise provided by law. However, a penalty may not be assessed or collected for any violation for which the person has been found liable under the Federal Pipeline Safety Act.

*(Formerly: Acts 1971, P.L.84, SEC.1.) As amended by P.L.69-1990, SEC.1.*

#### **IC 8-1-22.5-8**

##### **Appeals, commission decision, ruling, or order**

Sec. 8. Any person adversely affected by any final decision, ruling, or order of the commission pursuant to this chapter may appeal such decision, ruling, or order. Any such appeal shall be taken in the manner provided for appeals from any final decision, ruling, or order of the commission as provided in IC 8-1-3.

*(Formerly: Acts 1971, P.L.84, SEC.1.) As amended by P.L.59-1984, SEC.90.*

#### **IC 8-1-22.5-9**

##### **Rules; procedure for adoption**

Sec. 9. All rules, including any safety standards, adopted by the commission under this chapter shall be adopted in accordance with the provisions of IC 4-22-2.

*(Formerly: Acts 1971, P.L.84, SEC.1.) As amended by P.L.59-1984, SEC.91.*

#### **IC 8-1-22.5-10**

##### **Notices and hearings**

Sec. 10. Whenever in this chapter it is provided that the Commission shall take any action or issue any order "upon notice and after opportunity for public hearing" such notice shall be given as provided in IC 1971, 8-1-1-8 and such hearing shall be held and conducted in the manner as prescribed by IC 1971, 8-1-2-54 through 8-1-2-72.

*(Formerly: Acts 1971, P.L.84, SEC.1.)*

#### **IC 8-1-22.5-11**

##### **Tort liability**

Sec. 11. Nothing in this chapter shall affect the common law or statutory tort liability of any person.

*(Formerly: Acts 1971, P.L.84, SEC.1.)*

#### **IC 8-1-22.5-12**

##### **Action for violations**

Sec. 12. The court of appeals or such other court as may be empowered by law (or by rules of the supreme court) has jurisdiction to enjoin preliminarily or permanently any violation of this chapter, or any standards established pursuant to this chapter, determined by a final order issued by the commission, after notice and opportunity for public hearing as provided in this chapter. Such action may be brought by the attorney general in the name of the state upon

certification by the commission of the complete record of such proceedings.

*(Formerly: Acts 1971, P.L.84, SEC.1.) As amended by P.L.3-1989, SEC.58.*